

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GEORGE O'DELL,

Plaintiff,

v.

**9:13-CV-1275
(FJS/TWD)**

**ALVIN TUCKER, S.C.T.A. #1 and
DARIAN FRAZIER, S.C.T.A. #1,**

Defendants.

APPEARANCES

OF COUNSEL

**GEORGE O'DELL
83271-051**

St. Lawrence Psychiatric Center
1 Chimney Point Drive
Ogdensburg, New York 13669
Plaintiff *pro se*

**OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL**

615 Erie Boulevard West
Suite 102
Syracuse, New York 13204-2455
Attorneys for Defendants

TIMOTHY P. MULVEY, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Dancks' May 2, 2016 Order and Report-Recommendation, *see* Dkt. No. 42, in which she recommended that this Court grant Defendants' motion for summary judgment, *see* Dkt. No. 34, and deny Plaintiff's motion for appointment of

counsel, *see* Dkt. No. 39-2 at 58-59. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' May 2, 2016 Order and Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Dancks' May 2, 2016 Order and Report-Recommendation, *see* Dkt. No. 42, is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendants' motion for summary judgment, *see* Dkt. No. 34, is **GRANTED**; and the Court further

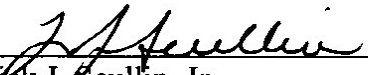
ORDERS that Plaintiff's motion for appointment of counsel, *see* Dkt. No. 39-2, is **DENIED as moot**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: May 24, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge